

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

1. This matter was set for status on May 11, 2010. Respondent appeared by counsel, but Complainant did not appear. Administrative Law Judge Sabrina Patch entered an order which required Complainant to answer outstanding interrogatories by June 4, 2010. Judge Patch's order also stated that she would entertain a motion to dismiss if Complainant did not meet the deadline for answering the outstanding interrogatories.

2. On May 12, 2010, Judge Patch entered a supplemental order which set a status hearing in this matter for June 23, 2010. That order stated that "failure of Complainant to comply with the deadline to answer outstanding discovery and to appear at the next status will result in the Commission entertaining a motion to dismiss this matter." That order was served upon Complainant by United States mail.

3. On June 23, 2010, Complainant appeared at the scheduled status hearing in person and reported that she had not received a copy of Respondent's outstanding interrogatories. Respondent was ordered to serve a copy of those interrogatories on Complainant and to file proof of that service. In addition, Respondent was given leave to file a motion to dismiss. Hearing on the motion to dismiss was set for August 25, 2010. All parties were to appear at the hearing.

4. Respondent filed a motion to dismiss on June 29, 2010 and served that motion on Complainant by mail.

5. On August 25, 2010, Complainant failed to appear. Respondent's counsel reported that he had not received the ordered response to his interrogatories.

6. Complainant has not filed any written response to the motion to dismiss.

CONCLUSIONS OF LAW

1. By her failure to respond to ordered discovery and to appear at scheduled status hearings, Complainant has unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of her claim, the complaint in this matter should be dismissed with prejudice.

DISCUSSION

This matter was set for status on May 11, 2010. Respondent appeared by counsel, but Complainant did not appear. Administrative Law Judge Sabrina Patch entered an order which required Complainant to answer outstanding interrogatories by June 4, 2010. Judge Patch's

order also stated that she would entertain a motion to dismiss if Complainant did not meet the deadline for answering the outstanding interrogatories.

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On August 25, 2010, despite the earlier warnings she had received, Complainant failed to appear. Respondent's counsel reported that he had not received the ordered response to his interrogatories. Moreover, Complainant has not filed any written response to the motion to dismiss.

Complainant has completely failed to prosecute her claim. She has missed scheduled status dates, failed to comply with orders to answer interrogatories, and failed to respond to a motion to dismiss. Her inaction has unreasonably delayed the proceedings in this matter.

For reasons unknown, it appears that Complainant has simply abandoned her claim. As a result, it is appropriate to dismiss her case with prejudice. See ***Leonard and Solid Matter, Inc.***, IHRC, ALS No. 4942, August 25, 1992.

RECOMMENDATION

Based upon the foregoing, it appears that Complainant has abandoned her claim. Accordingly, it is recommended that the complaint in this matter and the underlying charge of discrimination be dismissed in their entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
MICHAEL J. EVANS
CHIEF ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: August 26, 2010